

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

RAFFAELLO FOLLIERI,

Defendant.

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from Mr. Cameron on behalf of The New York Post seeking access to a photograph that was part of the sentencing submission on the part of the defendant. The sentencing submissions by the parties should be submitted as part of the public record, unless there is a compelling interest why any specific document should be filed under seal.

There is no reason why the photograph, included as part of the defendant's submission in Exhibit I, should not be part of the public record and plaintiff's counsel should promptly provide access to that exhibit (or a copy to Mr. Cameron) promptly. Similarly, both the plaintiff and the Government should file their submissions in the public record unless there is any application stating why there is a compelling reason to

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/23/08

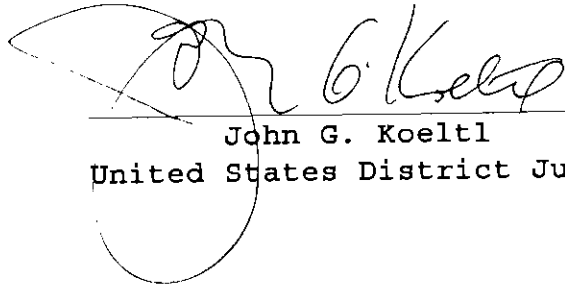
08 Cr. 850 (JGK)

ORDER

withhold any particular document.

SO ORDERED.

Dated: New York, New York
October 22, 2008

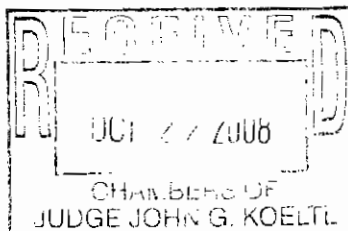


John G. Koeltl
United States District Judge

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October 22, 2008

By Facsimile: (212) 805-7912

Hon. John G. Koeltl
United States District Court
Southern District of New York
500 Pearl St., Room 1030
New York, NY 10007

Re: United States v. Raffaello Follieri

Dear Judge Koeltl:

I represent *The New York Post* newspaper ("The Post"). We respectfully request access to an exhibit that was attached to a letter sent to Your Honor on October 14, 2008, from Flora Edwards, attorney for Raffaello Follieri, in regards to Mr. Follieri's sentencing.

While a copy of Ms. Edwards' letter can be found in the court file, there are several exhibits that are referenced in the letter but not available in the public file. The Post wishes to view and copy one such exhibit, namely a photograph showing Mr. Follieri in an audience with Pope John Paul II at the Vatican. This photograph is provided by the defense as evidence of Mr. Follieri's "long standing ties to the Catholic Church" (see page 11 of Ms. Edwards' letter to Your Honor).

The Post requests that the court make available this photograph to its reporter, Bruce Golding, for the purpose of publishing it in The Post. The First Amendment right of access attaches to documents submitted in connection with a criminal proceeding. It has been held that the presumption in favor of the public right to inspect and copy judicial records is so strong that only the most extraordinary circumstances can justify restricting that right. We respectfully submit that no such circumstances exist in the instant case.

We thank you for considering our request.

Respectfully,

Michael Cameron

cc: Bruce Golding